

### **REMARKS/ARGUMENTS**

This Amendment is being filed in response to the third, non-final Official Action of April 3, 2008. Applicants appreciate the indication in the Official Action that Claims 8-21 are allowed. Nonetheless, the Official Action rejects the remaining claims, namely Claims 1-7, under 35 U.S.C. § 112, first paragraph, for failing to comply with the enablement requirement; the Official Action alleging that Claims 1-7 constitute “single means claims.” As explained below, however, Applicants respectfully disagree and submit that Claims 1-7 do in fact satisfy the enablement requirement; and accordingly, Applicants respectfully traverse the rejection of the claims. Nonetheless, Applicants have added new Claim 22 to recite a further patentable feature of the claimed invention. In view of the added claim and the remarks presented herein, Applicants respectfully request reconsideration and allowance of all of the pending claims of the present application.

As indicated above, the Official Action rejects Claims 1-7 for failing to comply with the enablement requirement, alleging that those claims constitute “single means claims” in that those claims include a means-plus-function recitation as per 35 U.S.C. § 112, sixth paragraph, without another recited element in combination therewith. *See* MPEP § 2164.08(a). In this regard, the Examiner appears to interpret the recited “processor” as a means-plus-function recitation subject to 35 U.S.C. § 112, sixth paragraph. To the contrary, however, Applicants respectfully submit that none of Claims 1-7 are written in so as to invoke § 112, sixth paragraph; and therefore, none of Claims 1-7 are subject to the enablement requirement of reciting a combination of means elements.

As explained in the MPEP, “a claim element that does not include the phrase ‘means for’ or ‘step for’ will not be considered to invoke 35 U.S.C. 112, sixth paragraph.” MPEP § 2181(I). In the instant case, Claims 1-7 recite a processor “configured to” perform a number of recited functions. however, no element of Claims 1-7 includes the phrase ‘means for’ or ‘step for,’ as required by the MPEP to be interpreted as a means-plus-function element. And as none of Claims 1-7 invoke 35 U.S.C. 112, sixth paragraph, none of Claims 1-7 are subject to the enablement requirement of reciting a combination of means elements, as per by MPEP § 2164.08(a).

Application No.: 10/674,957  
Amendment Dated May 27, 2008  
Reply to Official Action of April 3, 2008

For at least the foregoing reasons, Applicants respectfully submit that the rejection of Claims 1-7 under 35 U.S.C. § 112, first paragraph, is overcome.

Application No.: 10/674,957  
Amendment Dated May 27, 2008  
Reply to Official Action of April 3, 2008

**CONCLUSION**

In view of the added claim and the remarks presented above, Applicants respectfully submit that the present application is in condition for allowance. As such, the issuance of a Notice of Allowance is therefore respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact Applicants' undersigned attorney in order to resolve any remaining issues.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



Andrew T. Spence  
Registration No. 45,699

**Customer No. 00826**  
**ALSTON & BIRD LLP**  
Bank of America Plaza  
101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000  
Tel Charlotte Office (704) 444-1000  
Fax Charlotte Office (704) 444-1111  
LEGAL02/30790105v1

**ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON MAY 27, 2008.**